

Message Text

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ACTION ARA-14

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 1270

C O N F I D E N T I A L GUATEMALA 4723

E.O. 11652: GDS
TAGS: PINT, SHUM, MASS, GT
SUBJECT: GUATEMALAN GOVERNMENT REQUEST FOR TEAR GAS

1. DURING MEETING AUGUST 10 WITH VICE PRESIDENT VILLAGRAN KRAMER ON OTHER SUBJECTS, HE TOLD AID DIRECTOR SCHIECK AND ME THAT PRESIDENT'S CABINET MEETING EARLIER IN THE DAY HAD FOCUSED ON USSUE OF STRIKES AND DEMONSTRATIONS. HE SAID DECISION HAD BEEN REACHED THAT PERMISSION WOULD BE GRANTED TO ANY GROUP WHICH WISHED TO HOLD DEMONSTRATION, BUT THAT POLICE WOULD ACT TO BREAK UP ANY DEMONSTRATION HELD WITHOUT GOVERNMENT'S AUTHORIZATION, HE SAID POLICE WOULD BE INSTRUCTED NOT TO USE FIRE ARMS, DIS-BANDING DEMONSTRATORS WITH TEAR GAS (AS THEY DID IN GUATEMALA CITY LAST WEEK).

2. HE SAID ONE OF THEIR PROBLEMS IN THIS RESPECT WAS THAT THEY WERE ALMOST OUT OF TEAR GAS. "IN THE NAME OF HUMAN RIGHTS," HE SAID, "WE APPEAL TO YOU TO TRY TO HELP US GET SOME TEAR GAS." HE SAID IT WAS A FAR BETTER, FROM THE HUMAN RIGHTS POINT OF VIEW, FOR GUATEMALAN POLICE TO BE ABLE TO USE THIS MEANS OF CROWD CONTROL IN CASE OF NEED, IN THE SAME WAY THAT OUR POLICE AUTHORITIES USE TEAR GAS IN THE U.S., AND HE HOPED WE WOULD BE ABLE TO MEET THIS REQUEST. HE SAID THEY WOULD BE GLAD TO ACCEPT SUCH TEAR GAS UNDER WHATEVER CONTROLS WE WISHED TO ESTABLISH FOR ITS USE. I TOLD HIM THAT I WOULD CONVEY
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HIS REQUEST AND THAT I PERSONALLY SAW THE MERIT OF HIS ARGUMENT.

3. COMMENT: I EXPRESSED THE VIEW TO ARA OFFICIALS DURING MY RECENT CONSULTATION, WITHOUT ANTICIPATING THAT WE WOULD SOON HAVE THE VICE PRESIDENT'S REQUEST, THAT IT RAN COUNTER TO OUR TRUE INTERESTS TO DENY TEAR GAS TO COUNTRIES LIKE

GUATEMALA. THE USE OF TEAR GAS INSTEAD OF GUNS WOULD HAVE SAVED LIVES IN PANZOS, FOR A RECENT EXAMPLE. HENCE, I BELIEVE THAT A LEGITIMATE CASE CAN BE MADE FOR GRANTING THIS REQUEST. WE RECOGNIZE THAT TEAR GAS, PRECISELY BECAUSE IT IS A CROWD CONTROL INSTRUMENT, IS SEEN TO HAVE SPECIAL HUMAN RIGHTS SENSITIVITY, BUT WE BELIEVE IT IS MORE HUMANE TO MAKE AVAILABLE THIS MEANS OF CONTROL RATHER THAN OBLIGE GOVERNMENTS TO RESORT TO OTHER MEASURES TO ENSURE COMPLIANCE WITH REQUIREMENTS WE OURSELVES ENFORCE.

4. IN THIS CONNECTION, IT IS WELL TO BEAR IN MIND THAT WHILE THE CONSTITUTIONALITY OF THE DEMONSTRATION PERMIT REQUIREMENT IS UNDER CHALLENGE HERE, THE WEIGHT OF LOCAL LEGAL OPINION IS THAT THE LUCAS ADMINISTRATION IS PROCEEDING CORRECTLY IN REQUIRING WOULD-BE DEMONSTRATORS TO OBTAIN PERMISSION. THE CURRENT CONGRESSIONAL OPPOSITION (PRA, DCG) BILL TO ELIMINATE THE PERMIT REGULATION IS TACIT ACKNOWLEDGMENT OF THE LEGALITY OF THE GOVERNMENT'S ACTION IN DISBANDING THE UNAUTHORIZED (PERMISSION WAS NEVER ASKED) AUGUST 4 DEMONSTRATION. (THE BILL IS NOT LIKELY TO PROSPER IN ITS CURRENT FORM.)

5. WE DO NOT DELUDE OURSELVES THAT THE LUCAS ADMINISTRATION GIVES PROMISE OF MARKED IMPROVEMENT OVER ITS PREDECESSOR IN THE HUMAN RIGHTS AREA. IN FAIRNESS TO IT, NEVERTHELESS, WE SHOULD NOT PREJUDGE IT. ITS PERFORMANCE THUS FAR IS CONFIDENTIAL

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ESSENTIALLY UNTESTED. IT OCCURS TO US THAT ACCESSION TO THE TEAR GAS REQUEST COULD AFFORD US A DEGREE OF EARLY AND COMPREHENSIBLE LEVERAGE WITH THIS ADMINISTRATION IN THE HUMAN RIGHTS AREA WHICH WE WOULD NOT OTHERWISE HAVE.

6. SHOULD THE DEPARTMENT NEVERTHELESS DECIDE TO DENY THIS REQUEST, I HOPE WE CAN TELL THE VICE PRESIDENT THAT TEAR GAS IS SIMPLY ONE OF THE ITEMS WE DO NOT SELL ANYWHERE IN LATIN AMERICA.
BOSTER

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